

Resolution # 37-2017  
GENERAL CODE OF ONEIDA COUNTY, WISCONSIN  
ORDINANCE AMENDMENT #2-2017

**Ordinance Amendment offered by the Planning and Development Committee**

**WHEREAS**, the Planning & Development Committee, having considered Ordinance Amendment #2-20147, (copy attached) which was filed March 16, 2017 (copy attached) to amend Section 9.70, Highway Setbacks of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon April 6, 2017 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the proposed ordinance amendment would allow certain structures closer than twenty (20) feet from the right-of-way; and

**WHEREAS**, all towns were notified of the proposed changes and provided input; and

**WHEREAS**, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**9.70 HIGHWAY SETBACKS (#29-2001, #77-2003)**

**B. ~~Prohibition Against Locating in Setback~~ EXEMPTIONS**

The following structures are exempt from the twenty (20) foot setback to the documented right-of-way of public highways, as specified in 9.70(A)(1).

- ~~1. No building, mobile home, structure or part thereof shall be located within a setback area. Provided, however, that this prohibition shall not apply to lines, poles and towers for telephone and power transmission, freestanding directional arrow signs, open fences, or driveways connecting to a public road.~~

1. Public utilities

- 50 2. Awnings at least eight (8) feet above the ground or two (2) feet  
51 back from the traveled portion of a town, county, state or federal  
52 highway shall be permitted in areas zoned Business B-1 or  
53 Business B-2 if the agency or municipality holding the highway  
54 setback and the town in which the proposed awning is to be  
55 located consent. The holder of the highway right-of-way shall be  
56 required to provide written consent to the owner of the awning.  
57 The awning shall contain no sign or advertisement or obstruct the  
58 traffic view.
- 59 3. Driveway entrance gates, columns, walls, landscaping  
60 structures/designs, and retaining walls provided such  
61 structures/designs don't obstruct vision for vehicular traffic entering  
62 a public highway.
- 63 4. On-premise signs pursuant to section 9.78. Off-premise signs are  
64 required to meet the twenty (20) foot setback to the right-of-way of  
65 public highways.
- 66 5. Open fences pursuant to section 9.74(E).
- 67 6. Driveway connecting to a public highway.
- 68
- 69

70 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment  
71 #2-2017 by the Oneida County Board of Supervisors, cause a certified copy thereof to  
72 be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin  
73 Department of Natural Resources.

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75 Approved by the Planning and Development Committee this 12th day of April, 2017.

76

77 Consent Agenda Item: \_\_\_\_\_ YES \_\_\_\_\_ NO

78

79 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

80

81 The County Board has the legal authority to adopt: Yes                      No \_\_\_\_\_ as  
82 reviewed by the Corporation Counsel,                     , Date:

83 4/12/17

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86 Offered and passage moved by:

87                       
Supervisor

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Supervisor

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Supervisor

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Supervisor

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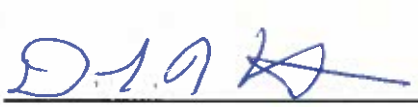
99 18 Ayes  
100 0 Nays  
101 3 Absent  
102 0 Abstain

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108 X Enacted

109  
110 by the County Board of Supervisors this 18 day of April, 2017.

111  
112        Defeated

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114   
115  
116 Tracy Hartman, Clerk

  
David Hintz, County Board Chair

OA #2-2017

Additions noted by underline; Deletions noted by ~~strike through~~



9.70 HIGHWAY SETBACKS (#29-2001, #77-2003)

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1. Public utilities
2. Awnings at least eight (8) feet above the ground or two (2) feet back from the traveled portion of a town, county, state or federal highway shall be permitted in areas zoned Business B-1 or Business B-2 if the agency or municipality holding the highway setback and the town in which the proposed awning is to be located consent. The holder of the highway right-of-way shall be required to provide written consent to the owner of the awning. The awning shall contain no sign or advertisement or obstruct the traffic view.
3. Driveway entrance gates, columns, walls, landscaping structures/designs, and retaining walls provided such structures/designs don't obstruct vision for vehicular traffic entering a public highway.
4. On-premise signs pursuant to section 9.78. Off-premise signs are required to meet the twenty (20) foot setback to the right-of-way of public highways.
5. Open fences pursuant to section 9.74(E).
6. Driveway connecting to a public highway.

## Resolution - #37-2017

Supervisors	AYE	NAY	ABS	ABSTAIN
Kelly	X			
Winkler	X			
VanRaalte	X			
Cushing	X			
Timmons	X			
Ives	X			
Paszak	X			
Jensen	X			
Oettinger	X			
Freudenberg			X	
Pence	X			
Holewinski			X	
Young	X			
Metropulos	X			
Krolczyk	X			
Sorensen	X			
Zunker	X			
Fried	X			
Pederson	X			
Mott			X	
Hintz	X			
<b>TOTALS</b>	<b>18</b>		<b>3</b>	
TAGS				
Amanda Morgan	X			
Brighid Billing	X			

April 18, 2017

Resolution # 37-2017 /General Code/O A #2-2017 offered by the Planning and Development Committee amending section 9.70, Highway Setbacks of the Oneida County Zoning and Shoreland Protection Ordinance.

Resolution # - Amend Line 7 to Read  
 Van Raalte / Hintz #2-2017

BOARD MEMBER	AYE	NAY	ABS	ABSTAIN
Pence	X			
Holewinski				
Zunker	X			
Timmons	X			
Kelly	X			
Sorensen	X			
Oettinger	X			
Mott				
Fried	X			
Jensen	X			
VanRaalte	X			
Winkler	X			
Cushing	X			
Young	X			
Freudenberg				
Pederson	X			
Ives	X			
Metropulos	X			
Paszak	X			
Krolczyk	X			
Hintz	X			
TOTALS				
	18		3	
Alec Bess				
Amanda Morgan	X			
Bridget Billing (alt)	X			
Totals				